

Message Text

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DRAFTED BY L/AF:BKHUFFMAN:MMP

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L/MSCA:KEMALMBORG

----- 114636

P 052148Z APR 74

FM SECSTATE WASHDC

TO AMEMBASSY DAR ES SALAAM PRIORITY

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E.O. 11652: N/A

TAGS: CGEN, PINS

SUBJECT: COMMUNICATION WITH ARRESTED AMERICAN CITIZENS

REF: BEYER/MBAGO MEMCON MARCH 27, 1974

1. WE FULLY SUPPORT YOUR DEMARCHES ON CONSULAR COMMUNICATIONS PROBLEM. REQUEST YOUR VIEWS ON DESIRABILITY ASST. SEC. EASUM REFERRING TO THIS PROBLEM IN HIS MEETING WITH AMBASSADOR BOMANI NOW SCHEDULED FOR APRIL 9.

2. WE BELIEVE LEGAL ASPECTS OF TANGOV'S ACTIONS SHOULD ALSO BE INTRODUCED INTO REPRESENTATIONS ON THIS SUBJECT. DEPT RECORDS INDICATE THAT PURSUANT TO EXCHANGE OF NOTES DATED NOVEMBER 30 AND DECEMBER 6, 1965 TANZANIA AGREED TO CONTINUE IN FORCE 1951 US-UK CONSULAR CONVENTION (TO WHICH TANZANIA HAD SUCCEEDED, ON INTERIM BASIS, AT TIME OF INDEPENDENCE.)

3. ARTICLE 15(3) STATES: QTE A NATIONAL OF THE SENDING STATE SHALL HAVE THE RIGHT AT ALL TIMES TO COMMUNICATE WITH THE APPROPRIATE CONSULAR OFFICER AND, UNLESS SUBJECT TO LAWFUL DETENTION, TO VISIT HIM AT HIS CONSULATE. UNQTE.

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4. ARTICLE 16(1) STATES: QTE A CONSULAR OFFICER SHALL BE

INFORMED IMMEDIATELY BY THE APPROPRIATE AUTHORITIES OF THE TERRITORY WHEN ANY NATIONAL OF THE SENDING STATE IS CONFINED IN PRISON AWAITING TRIAL OR IS OTHERWISE DETAINED

IN CUSTODY WITHIN HIS DISTRICT. A CONSULAR OFFICER SHALL BE PERMITTED TO VISIT WITHOUT DELAY, TO CONVERSE PRIVATELY WITH AND TO ARRANGE LEGAL REPRESENTATION FOR, ANY NATIONAL OF THE SENDING STATE WHO IS SO CONFINED OR DETAINED. ANY COMMUNICATION FROM SUCH NATIONAL TO THE CONSULAR OFFICER SHALL BE FORWARDED WITHOUT DELAY BY THE AUTHORITIES OF THE TERRITORY. UNQTE

5. REFERENCED MEMCON SUGGESTS FOREIGN MINISTRY EXPERIENCING DIFFICULTY IN HAVING OTHER GOVERNMENT BODIES COMPLY WITH INTERNATIONAL CONSULAR LAW. EMBASSY SHOULD CONSIDER WHETHER FOREIGN MINISTRY'S DIFFICULTIES ARISE IN ANY WAY FROM COLONIAL BACKGROUND OF EXISTING TREATY OBLIGATIONS UNDER 1951 CONSULAR CONVENTION. IF SUCH SEEMS PLAUSIBLE, EMBASSY SHOULD CONSIDER WHETHER FOREIGN MINISTRY'S HAND WOULD BE STRENGTHENED IF TANGOV ADHERED TO VIENNA CONVENTION ON CONSULAR RELATIONS, NEGOTIATED IN UNIVERSAL FORUM UNDER UN AUSPICES AND TO WHICH THERE ARE NOW 63 PARTIES INCLUDING U.S. IF EMBASSY FEELS ADHERENCE TO VIENNA WOULD BE USEFUL, IT CAN SUGGEST THIS COURSE OF ACTION TO FOREIGN MINISTRY. RUSH

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